



APSSA

ARIZONA PROCESS SERVERS ASSOCIATION
 Certifying & Training Arizona's Professional Process Servers Since 1973



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA

ARIZONA PROCESS SERVERS ASSOCIATION

The NEWSLETTER

2018 CONFERENCE EDITION

www.arizonaprocessservers.org

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Larry Ratcliff

Vice President:

Kelli McFarland

Secretary:

Patty Chlebanowski

Treasurer:

Luis Figueroa

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Sean Laman

Eric Sotelo

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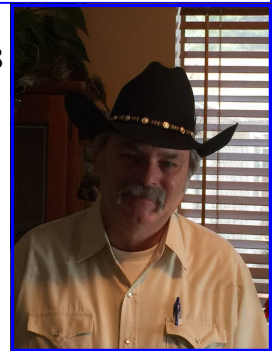
Let your Editor know
if you have any!

President's Message *Larry Ratcliff*

August 2, 2018

It is truly time for some young blood and new ideas to old problems.

I would like to take this opportunity to encourage you to attend the APSSA Conference on September 8th and 9th in Mesa Arizona. If you are receiving this newsletter at the conference I truly welcome, you to this event.



Over the last decade or two, APSSA has had a Board of Directors made of mostly the same members. This year is your opportunity to make a change in your Association.

I will not be running for President this year although I will still serve on the board as past president. Your secretary Patty Chlebanowski will also be retiring after over 40 years of serving with APSSA.

I encourage you to take an active part in your association and step up and make a difference by serving your association as a board member. If you would like to serve as President, Secretary or any other position on the Board of Directors please contact me or Ms. Patty.

In the meantime, please enjoy the APSSA polo shirts that are available. You can purchase these at the September Conference. I look forward to seeing ya'll at the conference.

Until then, be safe
and God Bless

Sincerely,

Larry

Larry Ratcliff,
APSSA President

APSSA - AALPI
Annual Conference
September 2018

Saturday September 8th and
Sunday September 9th, 2018
Sheraton Mesa Hotel
at Wrigleyville West
860 N. Riverview, Mesa, AZ 85201



First Legal is desperately seeking a process server. See back page for ad.

Editor's Column



Barry R. Goldman

It's nice when good things happen...

Your APSA Board and Officers are volunteers and make efforts to support our collective efforts. I'm no union guy, believe me. In fact, in many respects, I'm very anti-union, and at one time when I worked for the State of California, I actually *refused* to join the state employees union and kept my job. After all, they didn't get me the job, I got me the job. But our Association is no union.

It's a group of self-employed (for the most part) individuals who have an interest in making our working lives better. That includes educating the public, our professional

associates and others, including the Constables, Sheriffs and court personnel.

I hope you've been keeping up with our efforts to reduce the number of (unlawfully) served papers by the Constables. If you haven't, here's a short update:

The letter regarding the Constables (see preceding pages), first went out by e-fax to each Presiding Judge in the Superior Court whose fax number I could get hold of. (Each county has one PJ.)

The same letter was sent in the mail to all 15 Presiding Judges and Clerks of the Superior Court.

The letter was also sent to each of our Justices of the Peace and Constables by US mail. (Most don't publish their fax numbers.)

The results are starting to trickle in. I received a call from Pima County and was advised that they

were not aware of the problem, but would take steps to resolve it. They were also not aware that Constables cannot also be process servers, or act in that capacity.

In Navajo County, an increase in the number of referrals

from the Constable for service of divorce papers and other Superior Court documents is evident.

We should expect to see more. If anything, it shows that **our Association has a voice — YOUR VOICE.**

Good things happen when people are educated. Good things happen when people participate. That is why you are needed.

Our conference is about educating and networking. In fact, our entire Association is about that. It needs your participation—your active involvement.

We hold our annual election of the Board and Officers at our Conference. *All positions are open.*

As some may have heard, Patty, our long-time Secretary, will be retiring. We will NEED a new Secretary. Larry, who has served several terms as our President, will also be exiting. These are two critical positions that MUST be filled. ***Again, NO MATTER WHERE YOU LIVE, WE NEED YOU!***

Please consider volunteering for a position — it takes a little of your time and effort, but the results can be *incredible*. Warm regards, BRG.



I CANN PROCESS SERVICE

LINDA M. COONTS, A.C.P.S.

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Sierra Vista AZ 85636

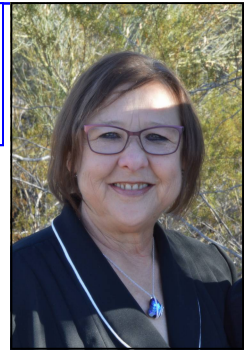
Registered Officer of Superior Court

State of Arizona

County of Cochise

Secretary's Corner

Patty Chlebanowski, Secretary



Dear Fellow Members:

I have been keeping up with my duties as your secretary. I will be leaving my position in the process serving industry in December.

I hope to take some time off and follow another career choice. I just want you to think about becoming a board member. I have been on and off this APSA board since I was 18. It is time to pass the torch to a new group of people. While the majority of the time you would need 1 – 2 hours a month to volunteer. It has been very rewarding and I almost know everyone in the industry.

Please consider volunteering for a position, we will be voting in a new board in September. See you there.

Be safe and we will talk soon,

Patty Chlebanowski
Work: 602-254-7427



APSA

2018 APSA-AALPI CONFERENCE

| TIME | | COURSE/INSTRUCTOR | | HRS. | AT |
|------------------------------------|----|-------------------|--|-----------------------|--------------|
| Saturday, September 8, 2018 | | | | | |
| 0730 | to | 0800 | Registration for all Organizations | Continental Breakfast | |
| 0800 | to | 0830 | Welcome to Conference <i>Dan Bekins, AALPI President</i> <i>Ron Ezell, APSA Past President</i> | Pueblo Room | |
| 0830 | to | 1145 | ACPS Class – 1st Half | 6 Hrs. | Canyon C |
| 0830 | to | 0930 | Forensic Exam of Computers & Audio/Video Recordings - <i>Bryan Neumeister</i> | 1 Hr. | Canyon A/B |
| 0930 | to | 1030 | Forensic Exam of Cell Phones & Cell Towers - <i>Instructor TBA</i> | 1 Hr. | Canyon A/B |
| 1030 | to | 1045 | Break | - | - |
| 1045 | to | 1200 | Using Medical Examiners as SME in Death Investigations - <i>Dr. Keen</i> | 1 Hr. | Canyon A/B |
| 1200 | to | 1315 | Lunch Break | - | Atrium Patio |
| 1200 | to | 1315 | APSA Annual Meeting | - | Canyon C |
| 1315 | to | 1630 | ACPS Class – 2nd Half | Incl. | Canyon C |
| 1315 | to | 1415 | DPS New Online Renewal of License Program - <i>Erin Blummer & Ana Velarde</i> | 1 Hr. | Canyon A/B |
| 1415 | to | 1515 | Case Study: Capital Murder Case Dismissed - <i>Pat Cote</i> | 1 Hr. | Canyon A/B |
| 1530 | to | 1630 | Pls-A Business Plan Tailored for You - <i>Debra Allen</i> | 1 Hr. | Canyon A/B |
| Sunday, September 9, 2018 | | | | | |
| 0730 | to | 0815 | Registration & Breakfast | - | Courtyard |
| 0830 | to | 1300 | Report Writing, Skip Tracing & Protective Orders - | 4 Hrs. | Canyon C |
| 0830 | to | 1030 | Licensing Complaints/Best Practices - <i>Instructor TBA</i> | 2 Hrs. | Canyon A/B |
| 1030 | to | 1100 | Break with Refreshments | - | - |
| 1100 | to | 1300 | Class To Be Announced | 2 Hrs. | Canyon A/B |



**ARIZONA OFFICE
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A Xerox Company

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Phoenix
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Phoenix AZ 85040
Main (602) 346-3000

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3050 N. Navajo Dr. Ste 107
Prescott Valley, AZ 86314
Main (928) 350-3100



Reprinted from the Fall, 2010 APSA Newsletter issue:

Can Corporations Be Honest AND Successful?

Can you be ethical and honest and still be a successful business owner in today's economy? Corporate Integrity expert and author Larry Johnson thinks so and is challenging Arizona businesses to embrace "Absolute Honesty". "Arizona has had a negative perception around the country lately," said Johnson. "Our hope is to unite to change that image by spotlighting the honesty and integrity of our business community."

Johnson focuses on how to build a cultural infrastructure rooted in the "Six Laws of Absolute Honesty:"

Law #1: Tell the Truth. Too often, "telling it like it is" amounts to professional suicide. In the long run, however, there is no other way to earn the trust of employees, customers, and shareholders.

Law #2: Tackle the Problem. When the prevailing attitude is always to cooperate but rarely to confront, you can expect problems to fester under the surface. The solution is constructive confrontation, an essential technique.

Law #3: Disagree and Commit. Who hasn't been to a meeting where everyone "agreed" on a decision, then ran back to their desks to lobby against it or even sabotage it? Better methods of consensus are available, as are mechanisms for what to do when you're asked to support a decision that is morally, ethically, or legally wrong.

Law #4: Welcome the Truth. Its human nature to defend yourself against criticism and to attack when you feel attacked. A culture of absolute honesty not only addresses this issue but transforms it into a potent tool for growth.

Law #5: Reward the Messenger. Speaking out against the status quo usually brings retribution. At an absolutely honest company, it brings reward. The transition from payback to payout is one of the trickiest cultural changes to navigate, but it can be done.

Law #6: Build a Platform of Integrity. If a company wants its people to contribute their ideas freely and to speak up when wrongdoing occurs, it must lead by example. That means communicating and clarifying the values that matter – and sticking to them when times get rough.

With the current business issues facing our nation today, such as the mortgage and foreclosure crisis, Corporate Integrity is lacking, Johnson explains how businesses can make money by making a difference in their communities.



— Submitted by Ron Ezell

The book, [Absolute Honesty: Building a Corporate Culture That Values Straight Talk and Rewards Integrity](#), is available on Amazon.com and at other retailers. — Ed.

APSA Newsletter 2016 Quarterly Publishing Schedule

1st Quarter: (Jan. 1-Mar. 31)
All submissions are due no later than Feb. 1st; targeted publication date is Feb. 15th.

2nd Quarter: (Apr. 1-June 30) All submissions are due no later than May 1st; targeted publication date is May 15th. The annual publication of the Bylaws and Code of Ethics occurs in this edition.

3rd Quarter: (July 1-Sept. 30)
All submissions are due no later than July 1st; targeted publication date is July 15th, but in no circumstance any later than 45 days prior to the scheduled Annual Conference and Educational Event. (See Bylaws, Article VIII, Section 1.)

4th Quarter: (Oct. 1-Dec. 31)
All submissions are due no later than November 1st; targeted publication date is December 1st.

Schedule changes: Publication schedule may be subject to change for any reason including but not limited to accommodating Board meeting dates, continuing education events, special submissions, news or other information to better serve our members and other readers. Additional Newsletter editions may be published at the direction of the APSA Board.

Changes & Corrections: If you have changes or corrections to your contact information, please let us know by contacting the APSA Secretary.

National Affiliation: APSA was originally founded in 1973. It is the sole state association of process servers recognized and chartered by NAPPS — the National Association of Professional Process

No, Microsoft is Not Calling You

The Pinal county Attorney's Office recently had a posting on their Facebook account about scammers pretending to be from computer companies using tech support scams to steal your money and identity by gaining access to your computer.

How It Works — You get a call or see a pop-up message on your computer warning that you have a virus (the caller will claim to be from "Windows support" or a well-known company). They convince you to provide remote access to your computer so they can show you the 'problem' – and then pull up benign data that looks threatening to convince you to pay them to fix it. While on your system, they install software that puts your computer and the information you store on it at risk. In the end, they will ask you for your credit card number to charge you for the repair, and will try signing you up for a worthless maintenance plan. A follow-on scheme involves the tech company calling you back one day to claim it's going out of business or it's offering refunds for some other reason, and they will ask you for your bank or credit card information to process your refund.

Bottom Line — **Don't be a victim.** This is an identity theft and financial fraud scheme. These scammers have been around for a while and vary their approach. Use a reliable anti-virus and malware program and hang up on these clowns.

A Tradition of Family Service

From the Winter, 2011 APSA Newsletter edition:

Your newest Director – Efrain Sotelo:

My name is Efrain Sotelo and I am a new member of the board of Directors for the Arizona Process Servers Association. I was elected to the Board at the 2011 Annual Meeting.

I was born in Chihuahua, Mexico in April of 1962 and in 1977 I moved to Arizona. In 1982, I began my career in the legal industry. I joined the Fleming Attorney Services team as a courier and runner. Then in 1985, I became a registered process server. In 1987, I joined forces with another process server to start Beacom Attorney Services.

Seven years later Beacom Attorney Services merged with another process serving legal courier company to form one of the largest process serving and legal courier company in the state. In 2000, I took a leave of absence from the company to spend some quality time with my wife and four wonderful children. After two years, I felt refreshed and recuperated and I took a managerial position with Hawkins Campbell. By 2004, I was ready to begin a new venture and opened Integrity Attorney Services. Shortly after opening Integrity Attorney Services, I had the opportunity to see my career in the legal industry to come full circle. In 2007, Fleming Attorney Services joined the Integrity

Attorney Services team. Then in 2010, I expanded the company's service area by opening an office in Tucson.

I look forward to representing your interests on the Board for this year and beyond.

Efrain sat on the APSA Board for several years. Eric Sotelo, now sits on the Board. Below is their new car. Looks good. -- Ed



APSA

Chris DeRose, Clerk of the Superior Court

The Brief



An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office

The following are excerpts from "The Brief", published by the Maricopa County Clerk of the Superior Court. You can obtain complete copies of "The Brief" through the clerk's website.

August 2018

eSentencings improve service, lower costs — The Clerk's office and the Maricopa County Superior Court implemented an electronic sentencing system to replace the traditional paper process. In the paper process, when minute entries were created for sentencings by court clerks, the minute entries would be manually scanned into the electronic court record (ECR) to capture the defendant's fingerprint and judicial officer's signature. With eSentencings, fingerprints and signatures are electronically captured on the eSentencing orders, and these documents are electronically uploaded into the ECR. Fingerprints on eSentencing orders are higher quality than those obtained manually on paper and these prints can be used by prosecuting agencies to prove a defendant's prior convictions, if needed. The fingerprinting devices used in the courtrooms send the defendant's prints electronically to the Department of Public Safety's central state repository immediately.

Standard minute entries are created within three days of a hearing. Minute entries had to be physically signed by the judicial officer, returned to the clerk for approval, and

sent to docketing staff to scan into the electronic court record. eSentencing orders are electronically signed by the judicial officer as soon as the sentencing hearing ends. The court clerk distributes the eSentencing orders electronically through the eFile application to the parties and related entities, generally the same day as the hearing, resulting in customers receiving the orders sooner.

New subpoena forms required now — Subpoenas for the Superior Court in Arizona have new language requirements starting July 1, 2018. The new requirements are primarily under the "Your Right to Object to This Subpoena" section. For several years, Maricopa County's Local Rule 2.5 has required language in every subpoena about ADA accommodations and interpreter assistance under Title VI. Unfortunately, the Clerk's office was presented with stacks of subpoenas throughout July that did not conform to the new requirements – and some that didn't comply with the long-standing local requirements. For the most recent version of the civil and family court subpoenas that contain the necessary language, see the court's website at [https://www.superiorcourt.maricopa.gov](https://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/Forms/alphaList.asp#civil)

(APSA would like to thank Mr. DeRose and his staff for this valuable information we can pass on to our membership and readers. — Ed.)

[ov/SuperiorCourt/LawLibraryResourceCenter/Forms/alphaList.asp#civil](https://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/Forms/alphaList.asp#civil).

Make sure you are using the most recent version of the subpoena forms and recycle any older versions. Likewise, update old bookmarks you might have to older versions online. Doing so will save time and frustration at the Clerk's office. Keep in mind that Justice Courts have their own subpoena forms that are used in their courts, per their court rules 125 and 137.

Civil cover sheet reminder — The mandatory civil cover sheet was updated on July 1 and has information about different tiers to which every civil case is assigned. Remember to use the new civil cover sheet with all civil case initiations to help ensure new cases are filed when first presented. The form is available online.

at <http://www.superiorcourt.maricopa.gov/sscDocs/pdf/cv10fz.pdf>.

Don't labor in the heat — The Clerk's offices will be closed on Monday, September 3 for Labor Day. If you need to file, eFile or use the external depository boxes as applicable for after hours and holiday filing. The 24-hour filing depository boxes are available for Criminal, Family Court, Tax, and Probate filings and for some Civil filings. The boxes are not for any Juvenile filings or for Civil filings that must be eFiled.



Hi, I'm **Patty Chlebanowski**, long-time **Secretary of APSA**. **Frontier Insurance Agency, Inc.** has been in business for 50 years. **Frontier Insurance Agency, Inc.** wants to help members and friends of **APSA** and **AALPI** to write your **Notary Bonds, Court Bonds (Appeal and Cost Bonds), and Probate Bonds (Personal Representative, Conservatorship & Guardianships)**. We also write **MVD (Lost Title Bonds)**. If you know an attorney who handles Probate matters, please drop my name to them. If you have any needs, please give us a call. Frontier can usually get a bond written in about 24 hours.

PATRICIA CHLEBANOWSKI
Agent

FRONTIER INSURANCE AGENCY, INC.
Surety Bonds

(602) 254-7427
3150 North 24th Street #D104
Phoenix, AZ 85016



APSA Board Meeting Minutes

ANNUAL CONFERENCE

SEPTEMBER 16, 2017 (UNOFFICIAL)

(CONTINUED)

EDUCATION COMMITTEE:

Patty Chlebanowski thanked Barry Goldman for updating the Manual. All new rules and regulations have been printed in the new manual and this is the manual we are using at this year's conference in the ACPS class. He is working on having all our classes uploaded into a power point presentation.

OLD BUSINESS:

None to be addressed.

NEW BUSINESS:

Barry Goldman thanked Patty Chlebanowski for making our Association run smoothly. She is always available and has put together this conference together with the help of her team from the Arizona Association of Licensed Private Investigators and Arizona Private Security Professional Association.

Ron Ezell introduced John Tavernaro from the other Process Servers Association that has now joined the Arizona Process Servers Association and will be part of the Legislative chair group, with Barry Goldman and Larry Ratcliff and himself.

John Tavernaro spoke and is still trying to work on getting Process Servers listed on the assault bill.

NOMINATIONS:

Kelli McFarland nominated Larry Ratcliff for President and seconded by: Dan Ronnie. A call for any other nominations. Motion to close nominations for President by: John Carpenter and seconded by: Kelli McFarland. Motion passed.

Candy Ratcliff nominated Kelli McFarland for Vice President and seconded by: Barry Goldman. A call for any other nominations. Motion to close nominations for Vice President by: Larry Ratcliff and seconded by: Tom Rankin. Motion passed.

Barry Goldman nominated Luis Figueroa for Treasurer and seconded by: Tracy Candelaria. A call for any other nominations. Motion to close nominations for Treasurer by: Tom Rankin and seconded by: John Carpenter. Motion passed.

John Carpenter nominated Patty Chlebanowski for Secretary and seconded by: Barry Goldman. A call for any other nominations. Motion to close nominations for Secretary by: Barry Goldman and seconded by: Larry Ratcliff. Motion passed.

Kelli McFarland nominated Tracy Candelaria as a Director and seconded by: Larry Ratcliff. Kelli McFarland nominated Barry Goldman as a Director and seconded by:



Tracy Candelaria. John Tavernaro nominated: Don Howell as a Director and seconded by: Patty Chlebanowski. Kelli McFarland nominated Eric Sotelo as a Director and seconded by: Patty Chlebanowski. Ron Ezell nominated Sean Layman for Director and seconded by John Carpenter.

A discussion was held regarding the number of directors to be voted on. Per our By Laws the board can add to the board as deemed necessary. Ron Ezell explained this way we will always be able to have a quorum at all board meetings. Ron Ezell will be a Director as immediate past president. A call was made for any other nominations. Motion to close nominations for Directors by: Tom Rankin and seconded by: Barry Goldman. Motion passed.

Motion to nominate all Officers by acclamation by: Tom Rankin and seconded by: Barry Goldman. Motion passed.

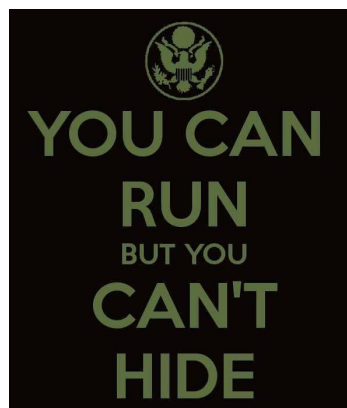
Ron Ezell stated that the new term is now January 1st thru December 31st and the New Board of Director's will be sworn in at that time.

Ron Ezell stated that the next board meeting will be in December.

Gerri Gentilquore addressed the membership and talked about a violent data base list called Aaron's List. Sign up on this list and give a location and a story of what happened at that location. It is helpful for all process servers to ward off the same problem when serving out in the field. Go to : Aaronlist.org for more information.

Motion to adjourn the Annual Conference by: Eric Sotelo and seconded by: Kelli McFarland. Motion passed.

Meeting was adjourned at approximately 1:10 PM. Minutes prepared by: Patty Chlebanowski, Secretary.



APSA

APSA Board Meeting Minutes

ANNUAL CONFERENCE

SEPTEMBER 16, 2017 (UNOFFICIAL)

ARIZONA PROCESS SERVERS ASSOCIATION

Board Meeting Minutes

The annual meeting was held on Saturday, September 16, 2017, at the Hilton Phoenix/Mesa Resort located at 1011 West Holmes Avenue, Mesa, AZ.

The meeting was called to order by the President, Ron Ezell at 12:22 P.M. and roll call of board members was taken. Ron Ezell, President, Tom Rankin, Vice President, Patty Chlebanowski, Secretary, Luis Figueroa, Treasurer, Board Members, Larry Ratcliff, John Carpenter, Eric Sotelo & Tracy Candelaria were all present.

The 2017 Annual Conference Notebook was received by all members in attendance as they signed in at beginning of the conference.

PRESIDENT'S REPORT:

Ron Ezell addressed the membership; he waived the Pledge of Allegiance, since we previously completed this during the morning announcement and the start of the convention. Ron mentioned we had a few Board Meetings where we did not have a quorum to conduct official business but we had held all our quarterly meetings. Ron mentioned he & Patty Chlebanowski attended the National Association of Professional Process Servers Association in New Orleans this year. Arizona is the second chartered state association with the NAPPS organization. We were able to obtain 5 new Associate Members from this conference. Several of the Associations this year had offered 50 % membership discounts if they joined up during the conference.

VICE PRESIDENT'S REPORT:

Tom Rankin was present and had no report to give. He did attend several of the board meetings through the year but did miss a couple.

SECRETARY'S REPORT:

Patty Chlebanowski, told the membership, she has been keeping up with her duties as long time secretary. She has attended all the board meetings, been updating the web site and mail and the phones and of course preparing for today's conference. Patty pleaded with the membership to once again, get involved with the Association. We had a new face last year to the board and appreciate anyone who could attend 4 meetings a year and help when needed.

Patty asked the membership to review the Last Annual Minutes of 2016 that are posted in the Conference Booklet,

pages 26 thru 29.

Patty mentioned we had 101 attendees at this year's conference.

Motion was made to approve the minutes of the Annual 2016 Conference by John Carpenter and 2nd by: Barry Goldman. Motion passed.



TREASURER'S REPORT:

Luis Figueroa explained his written Report is printed in the Annual Conference Booklet, pages 30 through 33.

Motion was made to approve the Treasurer's Report by: John Carpenter and 2nd by: Tom Rankin. Motion passed.

COMMITTEE REPORTS:

MEMBERSHIP REPORT:

Patty Chlebanowski mentioned membership for 2018 will be sent out through the website in January 2018. Some of the current members paid at the conference for their annual membership for 2018.

WEBSITE REPORT:

Patty Chlebanowski reported we had updated the website this year and made it mobile friendly.

GRIEVANCE REPORT:

John Carpenter reported there was only a couple complaints this year and he had reached out to both parties and resolved them. Nothing physically was filed against any of the members.

LEGISLATIVE REPORT:

Barry Goldman spoke and explained to the membership that the Association attempted to get a rule change made to be able to sub-serve the gate guard at gated communities. The Supreme Court did not pass the rule change.

NEWSLETTER REPORT:

Barry Goldman published the last newsletter in July and was emailed out to the membership. If you did not receive it, the Newsletters are posted on the website and can be printed or viewed from the site. If you are interested in putting in an advertisement in the newsletter please contact him. We do currently have about 3 business ads in the newsletter.

First Legal is desperately seeking process servers. See back page for ad.



APSA

APSA Board Meeting Minutes

June 2, 2018 (Unofficial)

ARIZONA PROCESS SERVERS ASSOCIATION

Board Meeting Minutes

June 2, 2018 at 3:43 PM at

Continental Country Club at

2380 North Oakmont Drive, Flagstaff, AZ 86004

THOSE IN ATTENDANCE:

Board Members: Patty Chlebanowski, Larry Ratcliff, Kelli McFarland, Barry Goldman, Sean Laman, Ron Ezell, Don Howell and members present: Candy Ratcliff, Nathan Botsch, Attorney Charley Laman. Members present via phone conference: Shannon Goolsby, Carlos Bialet & Karla Viernes.

PRESIDENT'S REPORT:

Larry Ratcliff thanked everyone for attending the meeting both in person and those who called in on the Conference line.

VICE PRESIDENT'S REPORT:

Kelli McFarland re iterated her conversation with the Constable up in Yavapai County.

"My assignment was to "Find out why the Yavapai County Constable is serving Superior Court papers?". This request was made by a member out of Cottonwood.

Kelli personally spoke with the Verde Valley Constable, Jody Fanning, on February 16, 2018, at approximately 1100 hours at his office at 10 6th Street, Cottonwood, AZ, and asked him that very question. Constable Fanning answered, "Because I can", and handed me A.R.S. Code 22-131, along with RCP 4 (copies were attached). No other information to report.

SECRETARY'S REPORT:

Patty Chlebanowski asked if we reviewed the board minutes from March 10, 2018 that was previously emailed to the board and I did pass out a few copies to the membership that was present. Did you see any corrections that needed to be made? A motion was made by Larry Ratcliff to approve the Secretary's minutes, seconded by Barry Goldman. All in favor was asked and motion passed. Patty reported that she has kept up with the duties of the mail which was last checked on Thursday, May 31, 2018 phone checked up to May 30, 2018.

TREASURER'S REPORT:

Luis Figueroa was not present and no report sent prior to the meeting. Ron Ezell will reach out to Luis to obtain report to be emailed to the board for written/email

approval..

COMMITTEE REPORTS:

Membership Report: Patty Chlebanowski reported

everything is currently up to date on our website. We currently have about 112 paid members and including extra cities we have 136 posted on the website. Patty apologized to Barry Goldman because she was not able to get the list printed or sent to him prior to the meeting. Barry wanted to follow up with members that had not renewed their membership for this 2018 year.

Website Report:

Patty Chlebanowski reported that the website information is up to date. Sean requested to include our two paid Vendors on the website; AOT Arizona Office Technologies and Pure Platinum Automotion, LLC. We will need to look and see where to update this information. Patty went through several emails pertaining to advertising, mobile application and website articles. The board said no on all email proposals. Several are actually junk and a couple, we just do not need at this time. We also discussed with the board about a Legal Document preparer who was disciplined by the LDP Board for not serving the papers correctly.

Larry asked Barry Goldman about creating a FACEBOOK page. Barry knows someone in his area that he can reach out to and find out the costs, etc. of creating a new page.

Grievance Report:

John Carpenter was not present. He has not reported any complaints to any of the board members. Larry stated he will reach out to John, since no one has heard from him in awhile.

Newsletter Report:

Barry Goldman has passed around a draft of the upcoming newsletter. He mentioned the Sheriff's Posse is now serving papers, including Summons & Complaints, and they should not be doing this job. Barry also stated that one Posse member in particular claimed to be serving papers for execution. Charley mentioned that he did not think the "Posse" members would be covered under their Insurance Policy either. They are also serving "Criminal Subpoenas" which is authorized because anyone can serve them, however they are usually mailed by the County Attorney.



APSA

APSA Board Meeting Minutes

June 2, 2018 (Unofficial, continued)

Police Officers are able to serve “Orders of Protection” within the city limits from the municipal court, and Constables within their precincts from the justice courts..

Barry wrote a draft letter to the Pinal County Sheriff’s office to inform them of the rules and statutes relating to serving and executing legal process, which do not include Posse members. Larry Ratcliff made a motion to send a general letter all of the county sheriffs and the Sheriff’s Association & another Letter to the Constables on behalf of the Association. Kelli McFarland seconded this motion. Motion passed. Larry suggested that Barry, Charley & he and Kelli re-write this letter and also another to the Constable Association and then it can be mailed after corrections. We also felt it should be signed by the Board of Directors not just one member making a complaint.

Sean Laman suggested we contact a news agency, similar to what NAPPS did in Georgia regarding a cost comparison of what it costs to have their Sheriffs and Constables serve papers, so we can get this news to the public, about how they are using taxpayer money.

We need to post our TWO vendors in the upcoming newsletter and Patty asked Sean to send Barry Goldman a business card for each vendor.

Continuing Education:

Patty Chlebanowski reported the Annual conference schedule is almost complete. She read the class titles to the board. We only have one open slot to be completed on Sunday, everything else has been scheduled. We talked about the two Vendors that Sean has coming. Patty mentioned that AALPI was also having their board meeting this weekend to finalize all details of the Conference. Patty still needs to check into the Shuttle for a Casino night for Saturday evening.

Legislative Report:

Barry Goldman talked about the trespass issue, particularly gated communities not allowing us in. We are trying to save costs to clients but they are just going to have to apply to the court to obtain Motion & Orders for Alternative service to post the gate or serve the security guards. We have not had any luck in getting this bill passed.

Larry Ratcliff explained that the security association believed it would be a conflict of interest to help us promote the bill.

Barry asked if we wanted to try again to change a court rule, and if so we would have to work with the Bar Association prior to submission. It would need to be

completed prior to September to present the new rulings.

OLD BUSINESS:

Don Howell reported about the Polo Shirts. We originally were going to get two colors, navy blue and red. We decided at this time not to go with the red. We will order this Royal Blue with gold thread and they will be ready for the conference. We will order Polo Shirts and a few Jackets. We chose the 50/50 blend rather than the nylon/ rayon.

NEW BUSINESS:

Ron Ezell reported about attending the NAPPS conference in San Diego. They had a well attended conference and Larry Ratcliff’s President’s Message, which he had the honor of reading for Arizona was well received. Many of the state associations have similar problems. The next NAPPS conference will be located at the Marriott World Center in May of next year.

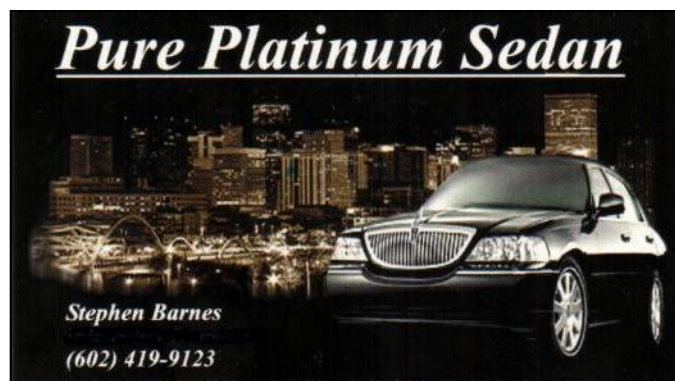
Ron Ezell wants to make a By Law change pertaining to the number of board members, not including the immediate past president, to be voted on at the conference. He would like to have 5 directors. He will need to write it up to have Barry post it in the next newsletter.

Sean Laman asked if we could get started with a date for next year’s conference. He felt it was easier to obtain vendors a year out rather than several months prior to a conference. Patty told him, it is just not our Annual Conference and both associations have to be in this conversation. She will mention it to AALPI and maybe we can choose this same location so we know ahead of time, when and where. It will always be in September she stated.

Kelli McFarland made a motion to adjourn the meeting and seconded by Larry Ratliff. Motion passed.

Meeting was adjourned at 5:34 PM.

Submitted by: Patty Chlebanowski, Secretary



APSA

Training Corner:

**Serving Protective Orders -
Getting the Proof of Service to
the Right Place**



Barry R. Goldman

©2018 Barry R. Goldman



Getting the Proof of Service to the Sheriff — Expediting Things

As Arizona Certified Process Servers, we have a lot of responsibility and obligation. To the courts, our clients and other persons affected by what we do, we owe a duty of candor. As professionals, we also owe a duty of best practices.

I've been asked to provide some help to other members who serve Protective Orders — answering the "what if" and other questions. One of the things that gets asked is the best way to expedite filing of the Proof of Service (Declaration of Service form) so that the client and law enforcement are notified that the defendant has been served.

Since I do most things electronically, either by email (with a PDF attachment), or otherwise, and use an e-fax service, it's relatively easy for me to press some keys and move my mouse.

I used to have a dedicated telephone line with an old style fax machine, but that went away so long ago I can't remember when.

What I found is that the sheriffs departments want to get the proofs into their systems ASAP—meaning now. I found a way to accommodate them after speaking with some records clerks some time ago.

I was given the fax number of the MCSO and told they will accept process server faxes of the proofs, so long as the documents served are also sent on that fax. The sheriffs need both, as they are a statutory repository of the documents. I followed up with the other counties and found the same.

So, once service is complete, I write up the proof of service, load that and a

copy of the docs served (if I haven't already scanned them, yet) and save as a PDF item.

Then, using my e-fax account, I fax the documents to the sheriff's record section that night (or day). Having scanned and retained the documents, I also email a copy to the Plaintiff and, if applicable to her/his attorney, as well, along with my invoice and fax confirmation.

The original Proof of Service is sent to the court that issued the Protective Order, along with a copy to conform. I will usually mail the original to the court, along with an SASE. The conformed copy, once returned, is then scanned and electronically retained. The hard copy documents are mailed to the client in addition to the emailed copy they already have.

TAT is less than expected. Job done.

| ARIZONA SHERIFFS' RECORD SECTIONS | | |
|--|------------------|--------------|
| <u>County</u> | <u>Telephone</u> | <u>Fax</u> |
| Apache | 928-337-4321 | 928-337-3676 |
| Coconino | 928-214-2530 | 928-226-5095 |
| Cochise | 520-432-9500 | 520-432-3517 |
| Gila | 928-402-1880 | 928-425-5674 |
| Graham | 928-428-3141 | 928-792-5251 |
| Greenlee | 928-865-4149 | 928-865-4161 |
| La Paz | 928-667-4310 | 928-667-3396 |
| Maricopa | 602-876-1834 | 602-379-0088 |
| Mohave | 928-753-0758 | 928-753-0765 |
| Navajo | 928-524-4775 | 928-524-4773 |
| Pima | 520-351-4650 | 520-351-4622 |
| Pinal | 520-866-5193 | 520-866-5104 |
| Santa Cruz | 520-761-7869 | 520-375-8118 |
| Yavapai | 928-771-3260 | 928-777-7248 |
| Yuma | 928-329-2254 | 928-539-7891 |

FOR TRANSMITTING PROTECTIVE ORDERS & DECLARATIONS OF SERVICE, ONLY!



Hard Work Gets Results...

Greetings:

Below you will find the directive that Judge Higgins has me send to the constables in Navajo County. If this is or was a problem in our county and you believe it continues, then the appropriate option of APSA would be to make individual complaints to the Constable Ethics Standards and Training Board pursuant to A.R.S. 22-137(A)(4). You are however welcome so send me a copy of such complaint should the need arise.



TO: Navajo County Constable(s):

On behalf of Judge Robert Higgins, Presiding Judge of Navajo County, we are providing the attached letter which we received from APSA regarding serving and executing legal process for the Superior Court.

While it is unclear if our constables are serving Superior Court paperwork, under the authority of A.R.S. §22-131(A), Judge Higgins is directing you forthwith not to serve process in Superior Court cases.

Should you have any questions, please feel free to contact me.

Marla Randall
Court Administrator
Navajo County Courts

Thanks to Judge Higgins and Administrator Randall for this update. We appreciate your assistance. — Ed.

My Grandfather told me many times when I was younger that education is something that can never be taken away.

As a professional, I want more than just information. Not just the facts, but the background of the law and procedure, so I will receive more value for my investment of time and money.

Professionals deserve to be educated on the "how" and "why" of the way things are done to come away with comprehensive knowledge and a better way to do things.

That's where more bang for the buck starts. — BRG

CRAZY THINGS HEARD FROM CLIENTS, PART 57



Can't You Make a Sub-Serve?

FROM THE PROCESS SERVER:

I spoke to the family of the defendant. The defendant moved into the given address two years ago. It was suppose to be a 3 day layover as she was passing through but ended up staying two years. They asked the defendant to leave by the end of June 2018. The defendant ended up getting a trucking job and left shortly before the end of June 2018. However they informed me that the defendant obtained a trailer somehow and although she is still truck driving she does have a mobile home somewhere around Dunbar and C street they thought.

FROM THE CLIENT:

Would the family members at the address not take the document? We can sub-serve her. Thank You.

MY RESPONSE:

If she doesn't live there any longer it is a bad address and we cannot effect service.





ARIZONA PROCESS SERVERS ASSOCIATION
 Certifying & Training Arizona's Professional Process Servers Since 1973



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA

4 July, 2018

TO: Presiding Judges of the Arizona Superior Court, Clerks of the Superior Court, Justices of the Peace, City Magistrates and other interested persons

It has come to the attention of the Arizona Process Servers Association that numerous Arizona Constables are serving legal process from the Superior Court in conflict with ARS §22-131¹.

The Constable is limited to serving and executing legal process issued by and within his/her justice court precinct. The Constable has no authority to serve or execute any other type of legal process. Specifically, the Constable is an elected official in the justice courts² and has no jurisdiction outside of them. The Arizona Process Servers Association submits that only the Sheriff, their Deputies and Certified Process Servers are regularly allowed to serve legal process issued by the Superior Court.

For the Constable to serve or execute any papers other than those issued by a justice court, the Constable would be acting outside the scope of his authority, as only Certified Process Servers in Arizona "...who are duly appointed or certified pursuant to rules established by the supreme court may serve all process, writs, orders, pleadings or papers that are required or permitted by law to be served before, during or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable..."³

A Constable acting without a specific appointment to serve legal process from the Superior Court by competent authority (the Presiding or other Superior Court Judge) is doing so as a de facto unauthorized private process server. A Constable so doing would *at the least* be in violation of ARS §22-131(G), wherein, "A constable is prohibited from engaging in any act as a private process server outside of the constable's elected or appointed duties." It appears that such a

¹ARS §22-131(A) "Constables shall attend the courts of justices of the peace within their precincts when required, and within their counties shall execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority..."

²ARS §22-102. Officers and term of office. The officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of four years each.

³ARS §12-3301(A) Private process servers who are duly appointed or certified pursuant to rules established by the supreme court may serve all process, writs, orders, pleadings or papers that are required or permitted by law to be served before, during or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable pursuant to section 11-441, subsection A, paragraphs 6 and 7, section 11-447 and section 11-448, except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property, or as may otherwise be limited by supreme court rule. A private process server is an officer of the court.

Arizona Process Servers Association
 PO Box 2233, Phoenix, AZ 85002
 (602) 476-1737 azserverassoc@gmail.com

Page 1





Constable would also be in violation of ARCP Rule 4(d), as he/she was not specially appointed to serve such legal process.⁴

When an unauthorized person serves legal process, it impacts the integrity of the judicial system. In so doing, that unauthorized person may likewise violate the rights of a litigant, specifically to due process. Further, improper or unauthorized service of legal process could render allegations of abuse of process or other cause of action, especially when conducted by elected officials exceeding and abusing their authority. This may result in an unending blight upon the court, especially if a blind eye was turned toward such behavior.

For the foregoing reasons, the Arizona Process Servers Association requests the assistance of the courts to ensure the integrity of our court system and to preserve trust of the community, so that when service of process of Superior Court documents is made, it is made either by the Sheriff or Certified Process Server in accordance with statute(s) and rules of court.

For the Arizona Process Servers Association,

/S/

LARRY RATCLIFF, President

⁴ ARCP Rule 4(d): (d) Who May Serve Process.

(1) Generally. Service of process must be made by a sheriff, a sheriff's deputy, a constable, a constable's deputy, a private process server certified under the Arizona Code of Judicial Administration § 7-204 and Rule 4(e), or any other person specially appointed by the court. Service of process may also be made by a party or that party's attorney if expressly authorized by these rules.

(2) Special Appointment.

(A) Qualifications. A specially appointed person must be at least 21 years of age and must not be a party, an attorney, or an employee of an attorney in the action in which process is to be served.

(B) Procedure for Appointment. A party may request a special appointment to serve process by filing a motion with the presiding superior court judge in the county where the action is pending. The motion must be accompanied by a proposed order. If the proposed order is signed, no minute entry will issue. Special appointments should be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a certified private process server.

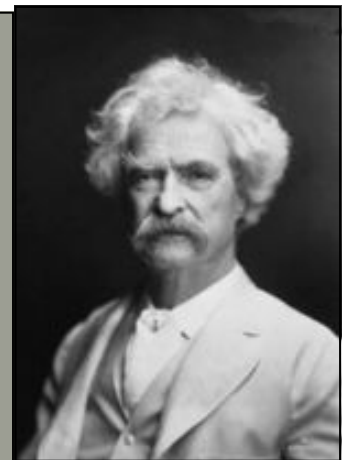
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“Laws control the lesser man... Right conduct controls the greater one.”

— Mark Twain



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“Strength doesn't come from what you can do. It comes from overcoming the things you once thought you couldn't.”

— Rikki Rogers

ADVERTISING RATES

All Payments for advertising must be paid in advance.

Please submit camera ready copy.

Business Card..... \$50.00

Size: 2.0 x 3.5

1/4 Page.....\$100.00

4.75 x 3.75

1/2 Page.....\$250.00

Size: 4.75 h x 7.5 w, or 9.5 h x 3.75 w

Full Page.....\$375.00

Advertorials/Banners.....\$25/col. in. 3 in. min.

Guest Article Submissions — The policy on guest article submission is as follows:

1. Publication of the article will be at the sole discretion of the Editor.
2. The article may be edited for content, length, spelling, and appropriate language.
3. A business card size advertisement of the Guest Writer may be placed in the edition in which the guest article is published, or at the discretion of the Editor, may be published in a later edition.
4. No advertising charge shall be made in conjunction with the publication of a guest article.
5. Guest article submissions become the sole property of APSA.

Tell Us What You Think...

We've received comments from members and non-members alike, thanking APSA for the Newsletter and educational opportunities. We'd like to thank our readers for sharing and making this publication better. Thank you, dear reader! From the bottom of our hearts.



ARIZONA PROCESS SERVERS ASSOCIATION

P.O. Box 2233, Phoenix, AZ 85002

(602) 476-1737

www.arizonaprocessservers.org



Membership Application/Renewal for year: _____

Arizona Certified Process Server (Attach copy of your Arizona Process Server ID)

Associate/Out of state Process Server

Member ID Card Requested? Y N (Digital or passport photo required)

Please list your information exactly as you want it to appear in the directory:

NEW RENEWAL

Member since: _____

Annual Dues: \$50

| | | |
|--|-----------|-----------|
| NAME: | | |
| FIRM: | | |
| ADDRESS: | | |
| CITY, STATE, ZIP: | | |
| TELEPHONE(S): | OFFICE: | FAX: |
| EMAIL ADDRESS(ES) | PERSONAL: | BUSINESS: |
| WEBSITE ADDRESS: | | |
| COUNTIES/AREAS SERVICED: | | |
| LIST IN THE ROSTER UNDER CITY OF: | | |
| ADDITIONAL CITIES TO BE LISTED (\$15 EACH) | | |

| <u>Services you provide (YES or NO):</u> | <u>YES</u> | <u>NO</u> |
|--|-------------|-----------|
| Process Server (Arizona or other state): | | |
| ACPS Certified? | | |
| Legal Messenger Service | | |
| Skip Tracing | | |
| Record Searches | | |
| Full Investigative Services | | |
| <i>If an Arizona Private Investigator, complete the following:</i> | | |
| License #: | Expiration: | |

MEMBER I.D. CARDS:

The Member Identification Card is a member benefit issued by APSA and is not intended to replace your Process Server identification card as required by statute. Your APSA Member Identification Card should be displayed at all APSA functions. By applying for or renewing membership, the applicant understands and agrees that the Member Identification Card is not intended to be, nor shall be used in violation of any statute or regulation.

| |
|---|
| Annual Dues: \$50.00 |
| Voluntary Legislative Fund Donation: \$ _____ |
| Total Enclosed: \$ _____ |

I hereby apply for membership (or membership renewal) in the Arizona Process Servers Association. I agree to abide by its bylaws and maintain the highest ethical standards in carrying out the duties of my profession. I authorize the Arizona Process Servers Association to investigate the statements made on this application and my qualifications for membership. I have no felony convictions and my certification (if applicable) as an Arizona Process Server is current. Membership is not transferrable. I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND CORRECT.

Date: _____ Signature _____

Please make check payable to APSA mail it with this completed form to the APSA address, above.

| | |
|-----------------------|-----------------------------|
| Court Closures | APSA Events Calendar |
|-----------------------|-----------------------------|

Holiday Court Closures

New Year's Day, Martin Luther King Jr./Civil Rights Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day

APSA Board Meetings

Next meeting is scheduled for our annual conference in Mesa on September 8, 2018 at noon.

See website for details.

Tentative dates to watch:

APSA Educational Event & Conference 2018, Sept 7-9, 2018 (Phoenix/Mesa area)

December CLE Event Dec. 1-2, Tucson.

See SCORE's website at greaterphoenix.score.org



PRIVATE PROCESS SERVER TESTING BY COUNTY

| County | Telephone | Testing dates/times/detail |
|------------|------------------|--|
| Apache | 928-337-7551 | By appointment |
| Coconino | 928-679-7600 | By appointment at 928-679-7646 |
| Cochise | 520-432-8581 | Call for details |
| Gila | 928-402-8559 | By appointment only |
| Graham | 928-428-3100 | Call for details |
| Greenlee | 928-865-4242 | Call for appointment |
| La Paz | 928-669-6131 | Call for details |
| Maricopa | | See county clerk's website for testing dates |
| Mohave | 928-753-0713x416 | Call for details |
| Navajo | 928-524-4177 | Call for details |
| Pima | 520-724-3282 | Call for details—Check in at 8:30 a.m. |
| Pinal | 520-866-5307 | By appointment |
| Santa Cruz | 520-375-7700 | Call for details |
| Yavapai | 928-777-3030 | Tuesdays and Thursdays at 8:30 a.m. and 3:00 p.m. by appointment |
| Yuma | 928-817-4241 | Scheduled as needed |

All Process Server testing starts promptly. Late admission is not allowed. All testing requires pre-registration through the court clerk's office. Please make arrangements well in advance of the test date.

Advertising Submission Policy:

1. The APSA Newsletter is published in March, June, September and December of each year.
2. All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. A 15% discount is available for advertisers who pay for a full year in advance.
3. Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
4. Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
5. Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor.
6. Inappropriate advertising content will not be accepted. Editor reserves the right to decline any advertisement.
7. In the event that an item of advertising is rejected, a refund shall be made to the advertiser.
8. Advertisement size quoted is approximate. Actual size may vary depending on page availability.
9. Advertorials may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch.
10. Advertorials must be clearly marked in the header, "Advertisement". All advertisements may be bordered to distinguish their content.



The Last Word...

TidBits & TidBits

Collected from various named and unnamed sources..

**APSA Newsletter
Quarterly Publishing
Schedule**

1st Quarter: Jan. 1-March 31
2nd Quarter: April 1-June 30
3rd Quarter: July 1-Sept. 30
4th Quarter: Oct. 1-Dec. 31



FREE!

Social Media Marketing Basics

September 13, 2018, 1:00pm in
Phoenix

Overwhelmed by the thought of social media marketing? Are you clueless when it comes to how it all works?

Attend this FREE seminar!

greaterphoenix.score.org

My wife has finally found the truth of who I am... While doing my Groot dance with my Shrek physique, she determined that I am a high-functioning idiot. — at least I still have my pride. :)

First Legal is desperately seeking a process server:

First Legal is seeking independently contracted Process Servers for the Phoenix area. Compensation is paid by job & type of service provided

Requirements:

- Current registered process server certification and experience required.
- Must use own vehicle and have knowledge of the surrounding area.
- The desired applicant will be highly reliable, self-motivated, maintain strong organizational skills, communication skills and strong work ethic with the ability to work under numerous time constraints and at varying times of the day and night.
- Applicant will need to provide a valid Driver's License, proof of current auto insurance and active registered process server number.

Contact First Legal at 602.248.9700
3737 N 7th Street, Suite 125, Phoenix, AZ 85014
or go to their website at www.firstlegal.com



Arizona Process Servers Association
PO Box 2233
Phoenix, AZ 85002
(602) 476-1737
azserverassoc@gmail.com



Serving Arizona Process Servers Since 1973

www.arizonaprocessservers.org

Opinions expressed in the APSA Newsletter are not necessarily those of the Board, individual Board members or officers, nor each member. The APSA Newsletter is published to promote a source of news and information for APSA members, affiliates and interested persons and organizations. Contact APSA for further information about membership and advertising. Editorial opinions are that of the editor, and do not represent the official opinion of APSA.

You are wanted!

- Join a committee— Be an active member!
- APSA is here to work for all of us, to be our voice and to better our livelihoods.
- APSA is the only recognized NAPPS affiliate organization in Arizona
- APSA members work together to make improvements to our profession.
- Use your knowledge and experience to help others. Get involved!.